



Washington, D.C. 20505

26 October 2018

Ms. Emma Best
MuckRock News
DEPT MR 60285
411A Highland Avenue
Somerville, MA 02144

Reference: F-2018-02722

Dear Ms. Best:

This is a final response to your 19 September 2018 Freedom of Information Act request, received in the office of the Information and Privacy Coordinator on 28 September 2018, for the following records: **Records relating to or mentioning the 14 April 1987 meeting described in the attached document, including but not limited to an unredacted copy of the document.**

A search of our database indicates that you had previously requested information on the same subject in F-2018-02447. A copy of your request, dated September 6, 2018, is enclosed for your reference. Therefore, we are cancelling this request.

Sincerely,

A handwritten signature in black ink, appearing to read "Allison Fong", with a long horizontal stroke extending to the right.

Allison Fong
Information and Privacy Coordinator

Enclosure

FOIA Request ID: 1829

FOIA Request submitted by:

Emma Best

Submitted on: September 6, 2018 : 10:34 - America/New_York

(617) 299 - 1832

Dept. MR60285

411A Highland Ave.

Somerville, MA 02144

United States

Request:

Pursuant to the Freedom of Information Act, I hereby request the following records:

Records relating to or mentioning the 14 April 1987 meeting described in the attached document, including but not limited to an unredacted copy of the document.

Fee Waiver:

I am a member of the news media and request classification as such. I have previously written about the government and its activities. I have a reasonable expectation of publication and my editorial and writing skills are well established. I discuss and comment on the files online and make them available through non-profits such as the Internet Archive and MuckRock, disseminating them to a large audience. While my research is not limited to this, a great deal of it, including this, focuses on the activities and attitudes of the government itself. As such, it is not necessary for me to demonstrate the relevance of this particular subject in advance.

Additionally, case law states that "proof of the ability to disseminate the released information to a broad cross-section of the public is not required." *Judicial Watch, Inc. v. Dep't of Justice*, 365 F.3d 1108, 1126 (D.C. Cir. 2004); see *Carney v. U.S. Dep't of Justice*, 19 F.3d 807, 814-15 (2d Cir. 1994). Further, courts have held that "qualified because it also had 'firm' plans to 'publish a number of . . . 'document sets'" concerning United States foreign and national security policy." Under this criteria, as well, I qualify as a member of the news media.

Additionally, courts have held that the news media status "focuses on the nature of the requester, not its request. The provision requires that the request be 'made by' a representative of the news media. *Id.* § 552(a)(4)(A)(ii)(II). A newspaper reporter, for example, is a representative of the news media regardless of how much interest there is in the story for which he or she is requesting information." As such, the details of the request itself are moot for the purposes of determining the appropriate fee

F-2018-02447

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category. As my primary purpose is to inform about government activities by reporting on it and making the raw data available, I request that fees be waived.

The requested documents will be made available to the general public, and this request is not being made for commercial purposes.

In the event that there are fees, I would be grateful if you would inform me of the total charges in advance of fulfilling my request. I would prefer the request filled electronically, by e-mail attachment if available or CD-ROM if not.

Thank you in advance for your anticipated cooperation in this matter. I look forward to receiving your response to this request within 20 business days, as the statute requires.